

III. REMARKS

1. Claims 1, 11 and 19 and 28 are amended. Claims 32-36 are new.
2. It is respectfully submitted that claims 11 and 19 are not anticipated by Jonstromer under 35 U.S.C. §102(e).

Claims 11 and 19 recite that the secure wireless data transmission link is a short range wireless data transmission connection. There is no such disclosure in Jonstromer. Jonstromer discloses that a mobile phone is connected to a PSTN only. (Col. 4, lines 35-39). Jonstromer does not have a separate auxiliary device, because the card reader is an integral part of the mobile phone. (Co. 4, lines 19-24). There is no disclosure in Jonstromer that the electronic till is a mobile phone. Thus, each feature of claims 11 and 19 are not taught by Jonstromer and the claims cannot be anticipated.

3. Claims 1, 2 and 5 are not unpatentable over Jonstromer in view of the website of the Nurit device.

Claim 1 recites that that the secure wireless data transmission link is a short range wireless data transmission connection. As noted above, there is no such disclosure in Jonstromer. Jonstromer only discloses that the mobile phone is connected to a PSTN only. (Col. 4, lines 35-39) and Jonstromer does not have a separate auxiliary device, because the card reader is an integral part of the mobile phone (Col. 4, lines 19-24). There is also no disclosure in Jonstromer that the electronic till might be a mobile phone. The combination of Nurit with Jonstromer does not overcome the above noted deficiencies. Nurit relates to point of sales terminals that come with "smart telephones" These "smart telephones" provide "quick automatic redialling, memory listing and blocked dialling functions." There is no disclosure in Nurit, or the combination of Nurit with Jonstromer, of a wireless auxiliary device that is used with another electronic device, wherein the wireless auxiliary device is a smart card reader or a hands-free set, a secure wireless data transmission link that is a short range wireless data transmission

connection is set up between the auxiliary device and the another electronic device, by using the selected key code, wherein the another electronic device is a mobile phone.

There is no motivation to combine Jonstromer with Nurit. Contrary to what is stated by the Examiner, it would not be obvious to modify the cash register machine into a mobile phone. Nurit does not make any disclosure that the "smart phone" could be or is a "mobile phone" as is described and claimed by Applicant. The phones illustrated in Nurit are all integrated with the devices. Nurit only describes the uses of the "smart phone" to be automatic quick redialling, memory listing, and blocked dialling functions. There is no teaching that would lead one to think to replace this "smart phone" of Nurit with a mobile phone.

Thus, each feature of claim 1 is not disclosed or suggested by the combination of Jonstromer and the website of the Nurit device under 35 U.S.C. §103(a). Claims 2 and 5 are allowable at least by reason of their dependencies.

3. Claims 3, 9, 12-17 and 27 and 29-31 are not unpatentable over Jonstromer and the website of Nurit and further in view of Nishiyama under 35 U.S.C. §103(a). These claims should at least be allowable by reason of their respective dependencies.

It is also noted that claim 27 recites that the auxiliary device does not have a display or keypad. There is no such teaching in the combination of the cited references. Additionally, the combination of references does not disclose or suggest how to use a selector without the help of a display.

With respect to claim 28, the combination of references does not disclose or suggest that the wireless data transmission link is a short range wireless data transmission connection, for the reasons stated previously with respect to Jonstromer. The combination with Nurit and Nishiyama does not overcome these deficiencies.

The combination also does not disclose or suggest a hands-free set for use with a mobile phone using a short range wireless data transmission connection. Jonstromer does not

disclose or suggest a mobile phone with separate auxiliary devices. The smart card reader in Jonstromer is integral to the device.

Applicant respectfully traverses the Examiner's statement that the "smart telephones" of Nurit "mobile phones." Applicant disagrees with the analogy and requests the Examiner to provide an evidentiary basis for such a correspondence.

4. Claims 4, 6-7 and 18-21 are not unpatentable over Jonstromer, Nurit and Rahman et al. ("Rahman") under 35 U.S.C. §103(a). These claims are allowable at least by reason of their respective dependencies.

5. Claim 10 is not unpatentable over Jonstromer, Nurit, Rahman and Fraccaroli under 35 U.S.C. §103(a) at least by reason of its respective dependency.

Furthermore, as Applicant previously pointed out in the response filed on June 9, 2005, **Fraccaroli is not prior art for purposes of 35 U.S.C. §103(a)**. Nokia Corp., the assignee of the instant application, commonly owns Fraccaroli. Fraccaroli has an issue date of April 15, 2003. The filing date of the instant application is March 8, 2001. Thus, Fraccaroli is only qualifies under 35 U.S.C. §102(e). Therefore, pursuant to 35 U.S.C. §103(c), since both Fraccaroli and Applicant's invention, were, at the time of Applicant's invention, commonly owned, Fraccaroli is not prior art for purposes of 35 U.S.C. §103(a).

Since this exact same ground of rejection was previously refuted, it is submitted that this Office Action is improper, and, if the claims are not held to be allowable, a new, non-final Office Action must be issued.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$250 for the additional claims fee and for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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CERTIFICATE OF FILING

I hereby certify that this correspondence is transmitted electronically via the USPTO EFS addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 20, 2006

Signature: Shannon D'Amico

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